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## OLR Bill Analysis

### sHB 6677

#### ***AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.***

#### **SUMMARY:**

This bill broadens the penalties that may be imposed on a minor who purchases tobacco products, misrepresents his or her age to purchase such products, or possesses them in public. The bill:

1. increases the maximum fine for a first offense from \$50 to \$100;
2. increases the fine for subsequent offenses from a minimum of \$50 and a maximum of \$100 to a minimum of \$100 and a maximum of \$150; and
3. authorizes the juvenile court to require up to 20 hours of community service instead of imposing fines.

The bill requires a court imposing community service for such a violation to (1) fix the terms and conditions of the community service plan, (2) review and approve the plan, and (3) order the minor to complete the plan. The plan must have the written consent of the minor's parent or legal guardian prior to the court's approval.

The bill also requires the nonprofit or tax-supported agency where the community service must be completed to notify the court in writing of completion or the minor's noncompliance.

Under current law, a person who is alleged to have committed this violation, as well as certain other tobacco-related violations, may mail the fine to the Centralized Infractions Bureau or pay online instead of appearing in court. The bill removes these violations from the list of violations to which this procedure applies. The other violations affected by the bill include:

1. selling, giving, or delivering tobacco products to a minor;
2. using a transaction scan for reasons other than verifying a buyer's age;
3. recording or maintaining any information derived from the transaction scan, excluding name, date of birth, expiration, and number on the driver's license or identity card; and
4. disseminating information derived from a transaction scan to a third party, unless by court order.

Thus, the bill requires individuals charged with the above violations to appear in court.

EFFECTIVE DATE: October 1, 2013

## **COMMUNITY SERVICE REQUIREMENT**

### ***Community Service***

Under the bill, "community service" means a maximum of 20 hours of unpaid work that promotes public health at a nonprofit or tax-supported agency, as required by the court for a minor violating the tobacco-related provisions specified above.

### ***Community Service Plan***

The bill requires the court and the minor's parents or legal guardian to agree to the terms and conditions of the community service plan. The plan must specify:

1. the number of hours to be performed,
2. the agency where the community service will be done,
3. the time period in which the service must be completed,
4. the tentative schedule for completion,
5. a brief description of the minor's responsibilities under the plan,
6. conditions and sanctions for failure to fulfill the plan, and

7. the plan's supervisor.

***Reporting Requirements for the Administering Agency***

Under the bill, the nonprofit or tax-supported agency where the community service is to be performed must:

1. review the plan's terms and conditions, and
2. provide written notification to the court within 30 days of its successful completion, or
3. in the event of the minor's noncompliance with the plan, within 30 days of making that determination, submit (a) a written statement to the court identifying the acts of noncompliance and (b) a request that the matter return to the court for further disposition.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)